



House of Representatives

General Assembly

File No. 91

February Session, 2004

Substitute House Bill No. 5069

House of Representatives, March 17, 2004

The Committee on Public Safety reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REVISING VARIOUS PUBLIC SAFETY STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 10a-77 of the general statutes, as
2 amended by section 1 of public act 03-33 and section 128 of public act
3 03-278, is repealed and the following is substituted in lieu thereof
4 (*Effective from passage*):

5 (g) Said board of trustees shall allow any student who is a member
6 of the armed forces called to active duty during any semester to enroll
7 in any course for which such student had remitted tuition but which
8 was not completed due to active duty status. Such course reenrollment
9 shall be offered to any qualifying student for a period not exceeding
10 four years after the date of release from active duty without additional
11 tuition, student fee or related charge, except if such student has been
12 fully reimbursed for the tuition, fees and charges for the course that
13 was not completed.

14 Sec. 2. Section 10a-99 of the general statutes, as amended by section
15 2 of public act 03-33, section 128 of public act 03-278 and section 200 of
16 public act 03-6 of the June 30 special session, is repealed and the
17 following is substituted in lieu thereof (*Effective from passage*):

18 (a) Subject to the provisions of section 10a-26, the Board of Trustees
19 of the Connecticut State University System shall fix fees for tuition and
20 shall fix fees for such other purposes as the board deems necessary at
21 the university, and may make refunds of the same.

22 (b) The Board of Trustees of the Connecticut State University
23 System shall establish and administer a fund to be known as the
24 Connecticut State University System Operating Fund. Appropriations
25 from general revenues of the state and upon request by the
26 Connecticut State University system and with the annual review and
27 approval by the Secretary of the Office of Policy and Management, the
28 amount of the appropriations for fringe benefits pursuant to
29 subsection (a) of section 4-73, shall be transferred from the State
30 Comptroller and all tuition revenue received by the Connecticut State
31 University system in accordance with the provisions of subsection (a)
32 of this section shall be deposited in said fund. Income from student
33 fees or related charges, the proceeds of auxiliary activities and business
34 enterprises, gifts and donations, federal funds and grants, subject to
35 the provisions of sections 10a-98 to 10a-98g, inclusive, and all receipts
36 derived from the conduct by a state university of its education
37 extension program and its summer school session shall be credited to
38 said fund but shall be allocated to the central office and institutional
39 operating accounts which shall be established and maintained for the
40 central office and each state university. Any such gifts and donations,
41 federal funds and grants for purposes of research shall be allocated to
42 separate accounts within such central office and institutional operating
43 accounts. If the Secretary of the Office of Policy and Management
44 disapproves such transfer, he may require the amount of the
45 appropriation for operating expenses to be used for personal services
46 and fringe benefits to be excluded from said fund. The State Treasurer
47 shall review and approve the transfer prior to such request by the

48 university. The board of trustees shall establish an equitable policy for
49 allocation of appropriations from general revenues of the state, fringe
50 benefits transferred from the State Comptroller and tuition revenue
51 deposited in the Connecticut State University System Operating Fund.
52 At the beginning of each quarter of the fiscal year, the board shall
53 allocate and transfer, in accordance with said policy, moneys for
54 expenditure in such institutional operating accounts, exclusive of
55 amounts retained for central office operations and reasonable reserves
56 for future distribution. All costs of waiving or remitting tuition
57 pursuant to subsection (e) of this section shall be charged to the
58 Connecticut State University System Operating Fund. Repairs,
59 alterations or additions to facilities supported by the Connecticut State
60 University System Operating Fund and costing one million dollars or
61 more shall require the approval of the General Assembly, or when the
62 General Assembly is not in session, of the Finance Advisory
63 Committee. Any balance of receipts above expenditures shall remain
64 in said fund, except such sums as may be required for deposit into a
65 debt service fund or the General Fund for further payment by the
66 Treasurer of debt service on general obligation bonds of the state
67 issued for purposes of the Connecticut State University system.

68 (c) Commencing December 1, 1984, and thereafter within sixty days
69 of the close of each quarter, the board of trustees shall submit to the
70 joint standing committee of the General Assembly having cognizance
71 of matters relating to appropriations and the budgets of state agencies
72 and the Office of Policy and Management, through the Board of
73 Governors of Higher Education, a report on the actual expenditures of
74 the Connecticut State University System Operating Fund containing
75 such relevant information as the Board of Governors of Higher
76 Education may require.

77 (d) Said board shall waive the payment of tuition fees at the
78 Connecticut State University system (1) for any dependent child of a
79 person whom the armed forces of the United States has declared to be
80 missing in action or to have been a prisoner of war while serving in
81 such armed forces after January 1, 1960, which child has been accepted

82 for admission to such institution and is a resident of Connecticut at the
83 time such child is accepted for admission to such institution, (2) for
84 any veteran having served in time of war, as defined in subsection (a)
85 of section 27-103, or who served in either a combat or combat support
86 role in the invasion of Grenada, October 25, 1983, to December 15,
87 1983, the invasion of Panama, December 20, 1989, to January 31, 1990,
88 or the peace-keeping mission in Lebanon, September 29, 1982, to
89 March 30, 1984, who has been accepted for admission to such
90 institution and is a resident of Connecticut at the time such veteran is
91 accepted for admission to such institution, (3) for any resident of
92 Connecticut sixty-two years of age or older who has been accepted for
93 admission to such institution, provided (A) such person is enrolled in a
94 degree-granting program, or (B) at the end of the regular registration
95 period, there are enrolled in the course a sufficient number of students
96 other than those persons eligible for waivers pursuant to this
97 subdivision to offer the course in which such person intends to enroll
98 and there is space available in such course after accommodating all
99 such students, (4) for any student attending the Connecticut Police
100 Academy who is enrolled in a law enforcement program at said
101 academy offered in coordination with the university which accredits
102 courses taken in such program, (5) for any active member of the
103 Connecticut Army or Air National Guard who (A) is a resident of
104 Connecticut, (B) has been certified by the Adjutant General or such
105 Adjutant General's designee as a member in good standing of the
106 guard, and (C) is enrolled or accepted for admission to such institution
107 on a full-time or part-time basis in an undergraduate degree-granting
108 program, (6) for any dependent child of a (A) police officer, as defined
109 in section 7-294a, or supernumerary or auxiliary police officer, (B)
110 firefighter, as defined in section 7-323j, or member of a volunteer fire
111 company, (C) municipal employee, or (D) state employee, as defined in
112 section 5-154, killed in the line of duty, and (7) for any resident of this
113 state who is a dependent child or surviving spouse of a specified
114 terrorist victim who was a resident of the state. If any person who
115 receives a tuition waiver in accordance with the provisions of this
116 subsection also receives educational reimbursement from an employer,

117 such waiver shall be reduced by the amount of such educational
118 reimbursement. Veterans described in subdivision (2) of this
119 subsection and members of the National Guard described in
120 subdivision (5) of this subsection shall be given the same status as
121 students not receiving tuition waivers in registering for courses at
122 Connecticut state universities.

123 (e) Said board shall set aside from its anticipated tuition revenue, an
124 amount not less than that required by the board of governors' tuition
125 policy established under subdivision (3) of subsection (a) of section
126 10a-6. Such funds shall be used to provide tuition waivers, tuition
127 remissions, grants for educational expenses and student employment
128 for any undergraduate or graduate student who is enrolled as a full or
129 part-time matriculated student in a degree-granting program, or
130 enrolled in a precollege remedial program, and who demonstrates
131 substantial financial need. Said board may also set aside from its
132 anticipated tuition revenue an additional amount equal to one per cent
133 of said tuition revenue for financial assistance for students who would
134 not otherwise be eligible for financial assistance but who do have a
135 financial need as determined by the university in accordance with this
136 subsection. In determining such financial need, the university shall
137 exclude the value of equity in the principal residence of the student's
138 parents or legal guardians, or in the student's principal residence if the
139 student is not considered to be a dependent of his parents or legal
140 guardians and shall assess the earnings of a dependent student at the
141 rate of thirty per cent.

142 (f) The Connecticut State University System Operating Fund shall be
143 reimbursed for the amount by which the tuition waivers granted
144 under subsection (d) of this section exceed two and one-half per cent of
145 tuition revenue through an annual state appropriation. The board of
146 trustees shall request such an appropriation and said appropriation
147 shall be based upon an estimate of tuition revenue loss using tuition
148 rates in effect for the fiscal year in which such appropriation will
149 apply.

150 (g) Said board of trustees shall allow any student who is a member
151 of the armed forces called to active duty during any semester to enroll
152 in any course for which such student had remitted tuition but which
153 was not completed due to active duty status. Such course reenrollment
154 shall be offered to any qualifying student for a period not exceeding
155 four years after the date of release from active duty without additional
156 tuition, student fee or related charge, except if such student has been
157 fully reimbursed for the tuition, fees and charges for the course that
158 was not completed.

159 Sec. 3. Subsection (i) of section 10a-105 of the general statutes, as
160 amended by section 3 of public act 03-33, section 128 of public act 03-
161 278 and section 201 of the June 30 special session, is repealed and the
162 following is substituted in lieu thereof (*Effective from passage*):

163 (i) Said board of trustees shall allow any student who is a member
164 of the armed forces called to active duty during any semester to enroll
165 in any course for which such student had remitted tuition but which
166 was not completed due to active duty status. Such course reenrollment
167 shall be offered to any qualifying student for a period not exceeding
168 four years after the date of release from active duty without additional
169 tuition, student fee or related charge, except if such student has been
170 fully reimbursed for the tuition, fees and charges for the course that
171 was not completed.

172 Sec. 4. Section 29-221 of the general statutes, as amended by section
173 1 of public act 03-253, is repealed and the following is substituted in
174 lieu thereof (*Effective from passage*):

175 As used in this chapter: (1) "Board" means the Examining Board for
176 Crane Operators established under section 29-222; (2) "commissioner"
177 means the Commissioner of Public Safety; (3) "crane" means (A) a
178 tower crane used in construction, demolition or excavation work, (B) a
179 hydraulic [cranes] crane, (C) a power-operated [derricks,] derrick or
180 (D) a mobile crane which is a mobile, carrier-mounted, power-
181 operated hoisting machine utilizing a power-operated boom which
182 moves laterally by rotation of the machine on the carrier and which

183 has a manufacturers' maximum rated capacity exceeding five tons; (4)
184 "hoisting equipment" means motorized equipment (A) used in
185 construction, demolition or excavation work, (B) at a construction site
186 for a project, other than a project involving residential structures of less
187 than four stories, the estimated cost of which is more than one million
188 two hundred fifty thousand dollars, and (C) which has a
189 manufacturer's rated lifting capacity exceeding five tons and a
190 manufacturer's rated maximum reach in excess of thirty-two feet; (5)
191 "department" means the Department of Public Safety; and (6)
192 "apprentice" means anyone registered with the board for the purpose
193 of learning crane operation or hoisting equipment operation.

194 Sec. 5. Section 29-306 of the general statutes, as amended by section
195 1 of public act 03-231, is repealed and the following is substituted in
196 lieu thereof (*Effective from passage*):

197 When the local fire marshal ascertains that there exists in any
198 building, or upon any premises, combustible or explosive matter,
199 dangerous accumulation of rubbish or any flammable material
200 especially liable to fire, which is so situated as to endanger life or
201 property, or finds obstructions or conditions that present a fire hazard
202 to the occupants or interfere with their egress in case of fire, or a
203 condition in violation of the statutes relating to fire prevention or
204 safety, or any regulation made pursuant thereto, the remedy of which
205 requires construction or a change in structure, [he] the local fire
206 marshal shall order such materials to be [forthwith] immediately
207 removed or the conditions remedied by the owner or occupant of such
208 building or premises, and all such construction and changes shall be in
209 conformance with all building codes, ordinances, rules and regulations
210 of the municipality involved and such owner or occupant shall be
211 subject to the penalties prescribed by section 29-295 and, in addition
212 thereto, may suffer a penalty of fifty dollars a day for each day of
213 neglect for each violation, to be recovered in a proper action in the
214 name of the state. Upon failure of an owner or occupant to abate such
215 hazard or remedy such condition within a reasonable period of time as
216 specified by the local fire marshal, such local fire marshal shall

217 promptly notify in writing the prosecuting attorney having jurisdiction
218 in the municipality in which such hazard exists of all the facts
219 pertaining thereto, and such official shall promptly take such action as
220 the facts may require, and a copy of such notification shall be
221 forwarded promptly to the State Fire Marshal. The local fire marshal
222 may request the chief executive officer or any official of the
223 municipality authorized to institute actions on behalf of the
224 municipality in which the hazard exists, or the State Fire Marshal, for
225 the purpose of closing or restricting from public service or use such
226 place or premises until such hazard has been remedied, to apply to any
227 court of equitable jurisdiction for an injunction against such owner or
228 occupant; or the State Fire Marshal, on his own initiative, may apply to
229 such court for such injunction. When such hazard is found to exist
230 upon premises supervised or licensed by a state department or agency,
231 the State Fire Marshal shall promptly notify the administrator of such
232 department or agency of his findings and shall issue orders for the
233 elimination of such hazard. The provisions of this section shall not
234 apply to any building, structure or premises used in the carrying on of
235 manufacturing. If the local fire marshal or a local police officer
236 determines that there exists in a building a risk of death or injury from
237 overcrowding, blockage of required exiting or from the indoor use of
238 pyrotechnics, such fire marshal or police officer may issue a verbal or
239 written order to immediately vacate the building. A violation of such
240 order shall be subject to the penalties under section 29-295.

241 Sec. 6. Section 54-1m of the general statutes, as amended by section
242 1 of public act 03-160, is repealed and the following is substituted in
243 lieu thereof (*Effective from passage*):

244 (a) Not later than January 1, 2000, each municipal police
245 department and the Department of Public Safety shall adopt a written
246 policy that prohibits the stopping, detention or search of any person
247 when such action is solely motivated by considerations of race, color,
248 ethnicity, age, gender or sexual orientation, and the action would
249 constitute a violation of the civil rights of the person.

250 (b) Commencing on January 1, 2000, each municipal police
251 department and the Department of Public Safety shall, using the form
252 developed and promulgated pursuant to subsection [(i)] (h) of this
253 section, record and retain the following information: (1) The number of
254 persons stopped for traffic violations; (2) characteristics of race, color,
255 ethnicity, gender and age of such persons, provided the identification
256 of such characteristics shall be based on the observation and
257 perception of the police officer responsible for reporting the stop and
258 the information shall not be required to be provided by the person
259 stopped; (3) the nature of the alleged traffic violation that resulted in
260 the stop; (4) whether a warning or citation was issued, an arrest made
261 or a search conducted as a result of the stop; and (5) any additional
262 information that such municipal police department or the Department
263 of Public Safety, as the case may be, deems appropriate, provided such
264 information does not include any other identifying information about
265 any person stopped for a traffic violation such as the person's
266 operator's license number, name or address.

267 (c) Each municipal police department and the Department of Public
268 Safety shall provide to the Chief State's Attorney and the African-
269 American Affairs Commission (1) a copy of each complaint received
270 pursuant to [subsections (a) to (h), inclusive, of] this section, and (2)
271 written notification of the review and disposition of such complaint.
272 No such complaint shall contain any other identifying information
273 about the complainant such as his or her operator's license number,
274 name or address.

275 (d) Any police officer who in good faith records traffic stop
276 information pursuant to the requirements of [subsections (a) to (h),
277 inclusive, of] this section shall not be held civilly liable for the act of
278 recording such information unless the officer's conduct was
279 unreasonable or reckless.

280 (e) If a municipal police department or the Department of Public
281 Safety fails to comply with the provisions of [subsections (a) to (h),
282 inclusive, of] this section, the Chief State's Attorney may recommend

283 and the Secretary of the Office of Policy and Management may order
284 an appropriate penalty in the form of the withholding of state funds
285 from such department or the Department of Public Safety.

286 (f) On or before October 1, 2000, and annually thereafter, each
287 municipal police department and the Department of Public Safety shall
288 provide to the Chief State's Attorney and the African-American Affairs
289 Commission, in such form as the Chief State's Attorney shall prescribe,
290 a summary report of the information recorded pursuant to subsection
291 (b) of this section.

292 (g) The African-American Affairs Commission shall review the
293 prevalence and disposition of traffic stops and complaints reported
294 pursuant to [subsections (a) to (h), inclusive, of] this section. Not later
295 than January 1, 2004, and annually thereafter, the African-American
296 Affairs Commission shall report to the Governor, the General
297 Assembly and to any other entity said commission deems appropriate
298 the results of such review, including any recommendations.

299 (h) Not later than January 1, 2000, the Chief State's Attorney, in
300 conjunction with the Commissioner of Public Safety, the Attorney
301 General, the Chief Court Administrator, the Police Officer Standards
302 and Training Council, the Connecticut Police Chiefs Association and
303 the Connecticut Coalition of Police and Correctional Officers, shall
304 develop and promulgate: (1) A form, in both printed and electronic
305 format, to be used by police officers when making a traffic stop to
306 record the race, color, ethnicity, gender and age of the operator of the
307 motor vehicle that is stopped, the location of the stop, the reason for
308 the stop and other information that is required to be recorded pursuant
309 to subsection (b) of this section; and (2) a form, in both printed and
310 electronic format, to be used to report complaints pursuant to
311 [subsections (a) to (h), inclusive, of] this section by persons who
312 believe they have been subjected to a motor vehicle stop by a police
313 officer solely on the basis of their race, color, ethnicity, age, gender or
314 sexual orientation.

315 Sec. 7. Section 29-224 of the general statutes is repealed and the

316 following is substituted in lieu thereof (*Effective from passage*):

317 (a) No person shall engage in, practice or offer to perform the work
 318 of a crane operator, except as provided in subsection (b) of this section,
 319 who is not the holder of a valid license issued by the board. Each
 320 licensed crane operator shall carry his license on his person when
 321 operating a crane. No person may engage in, practice or perform the
 322 work of a crane operator apprentice unless he has obtained a certificate
 323 of registration from the board. An apprentice's certificate may be
 324 issued for the performance of work of a crane operator for the purpose
 325 of training, which work may be performed only under the supervision
 326 of a licensed crane operator. No crane owner may operate or permit
 327 the operation of any of his cranes in this state unless he has obtained a
 328 certificate of registration from the board. Nothing in this subsection
 329 shall be construed to require a hoisting equipment owner to obtain a
 330 certificate of registration from the board.

331 (b) The provisions of subsection (a) of this section shall not apply to:
 332 (1) Any person engaged in the occupation of crane operator in the state
 333 on October 1, 1981, provided such person shall be required to obtain a
 334 license within one year of October 1, 1981, (2) engineers under the
 335 jurisdiction of the United States, (3) engineers or operators employed
 336 by public utilities or industrial manufacturing plants, or (4) persons
 337 engaged in boating, fishing, agriculture or arboriculture.

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>
Sec. 5	<i>from passage</i>
Sec. 6	<i>from passage</i>
Sec. 7	<i>from passage</i>

PS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Public Safety, Dept.	GF - None	None	None
Higher Education Constituent Units	GF - None	None	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which would not result in any fiscal impact to the state, makes technical and clarifying changes to various public safety and higher education statutes.

OLR Bill Analysis

sHB 5069

AN ACT REVISING VARIOUS PUBLIC SAFETY STATUTES

SUMMARY:

This bill specifies that the registration requirement for crane owners and licensing requirement for crane operators should not be construed to require hoisting equipment owners to be licensed or registered by the Crane Operators' Board. The bill also makes technical changes.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Public Safety Committee

Joint Favorable Substitute

Yea 22 Nay 0